
[Legal Notice No. 60]

THE PROVINCIAL GOVERNMENT ACT 1997

THE TEMOTU PROVINCE LIVESTOCK ORDINANCE 2008

**AN ORDINANCE TO PROVIDE FOR THE CONTROL OF PIGS AND
OTHER LIVESTOCK WITHIN TEMOTU PROVINCE GENERALLY,
AND MORE PARTICULARLY WITHIN LATA TOWNSHIP**

Short title

1. This Ordinance shall be cited as the Temotu Province Livestock Ordinance 2008 and shall come into operation when the Minister of Provincial Government gives his assent to it in accordance with section 30 of the Provincial Government Act 1997.

2. In this Ordinance:

“authorised officer” means a police officer, or officer authorised by the Executive or Lata Town Committee in writing to implement and enforce this Ordinance;

“Executive” means Temotu Provincial Executive;

“livestock” means pigs, goats, horses, cows, bulls, sheep, asses, mules and other animals usually kept as livestock but does not include poultry;

“owner” means the owner of any livestock or the occupier of any premises in which livestock is ordinarily kept and includes any person temporarily in control of any livestock.

2A The Lata Town Committee shall administer this Ordinance and enforce its provisions within the precincts of Lata Township as defined in section 2 of the Temotu Province Lata Town Committee Ordinance 2006. Administration within Lata Township

3 (1) Any owner who negligently allows livestock to roam uncontrolled within a village or township or within twenty metres of any house commits an offence and is liable, on conviction, to a fine not exceeding \$1000.

(2) The owner of any livestock that has damaged property belonging to another person commits an offence and is liable, on conviction, to a fine not exceeding \$100.

(3) Any owner who keeps livestock inside or under any house or, except in accordance with a valid licence issued under section 4, within twenty (20) metres of any house, commits an offence and is liable on conviction to a fine not exceeding \$100, plus \$5 for each day on which the offence is continued after notice of the offence has been served on the owner.

(4) Any owner who keeps any livestock within Lata Township without a current and valid licence issued in accordance with section 4 commits an offence and is liable on conviction to a fine of \$100, plus \$5 for each day on which the offence is continued after notice of the offence has been served on the owner.

- (5) Any owner holding a licence to keep livestock who fails to comply with any condition of the licence commits an offence and is liable on conviction to a fine of \$100, plus \$5 for each day on which the offence is continued after notice of the offence has been served on the owner.
- (6) Where:
- (a) an owner has been issued by an authorised officer with a notice of offence giving details of the alleged offence against this section and stating a penalty (such penalty being not more than 75% of the maximum fine for that offence); and
 - (b) the owner pays the prescribed penalty at the Provincial Treasury within 21 days of the date of the notice;
 - (c) where applicable, obtains within the same 21 day period a licence required by section 4, and
 - (d) where the alleged offence is continuing, offers satisfactory proof to an authorised officer that the circumstances giving rise to the offence have been rectified;
- no prosecution under this Ordinance may be proceeded with or any conviction entered in respect of the alleged offence.
- (7) For the purposes of sub-section (6), production to an authorised officer or a Court Clerk of the relevant Treasury receipt, together with any required licence and/or confirmation from an authorised officer that a continuing offence has been rectified, shall be sufficient proof that the owner is entitled to avoid prosecution or conviction for the offence alleged in any notice of offence.
- (8) Any fine or penalty collected under this Ordinance, regardless of whether it is collected under this section or as a result of a prosecution and conviction, shall be paid into the Temotu Province Provincial Fund.

4 (1) Any owner wishing to keep any livestock within Lata Township must first apply for a Livestock Licence by completing the prescribed Form 1 in the First Schedule and lodging it, together with the prescribed application fee, at the Provincial Treasury.

- (2) The application fee required under sub-section 4(1) shall be \$15.00, and may be amended by a Regulation made under section 7.
- (3) Within 14 days of receipt by the Provincial Treasury of an application, an authorised officer will inspect the location described in the application to determine whether:
 - (a) the location and facilities proposed to be used are reasonably suitable for the keeping of the specified livestock within a built-up or urban area and are able to be maintained in a sanitary condition;
 - (b) adequate provision exists to prevent the livestock wandering or otherwise causing a nuisance (including but not limited to the production of any offensive smell or accumulation of offensive waste material or unreasonable noise) to neighbouring properties;
 - (c) if it is proposed to keep the livestock within 20 metres (but in any case not less than 10 metres) from any occupied house, the facilities provided are sufficiently substantial and of such a standard as to reasonably remove any health risk and abate any possible nuisance.
- (4) Where the authorised officer is satisfied as to the requirements specified in subsection (2) the officer shall:
 - (a) Issue, for a period not exceeding 12 months, a licence in Form 2 of the First Schedule, including the standard conditions indicated in the Form and any special conditions, which shall be specified on the issued licence; and
 - (b) Inspect the location and facilities again within 30 days of the issue of the licence, after not more than 6 months, and/or on receiving any complaint, to ensure compliance with the licence's conditions.

- (5) An owner who is dissatisfied with the decision of an authorised officer not to issue a licence, to revoke a licence, or to issue a licence with any special conditions, may apply in writing to the Provincial Secretary to have the authorised officer's decision reviewed. The Provincial Secretary will consider each application fairly and impartially but is otherwise responsible for determining his own procedure for dealing with an application. The decision of the Provincial Secretary on an application shall be final.
- (6) An owner may be required by an authorised officer to produce a valid licence or be issued with a notice of offence under section 3(4).
- (7) Where an authorised officer is satisfied on inspection that a licensee is failing to comply with the requirements or conditions of a licence the officer may:
 - (a) Give the licensee 14 days' notice to rectify any breach of licence conditions and/or remove any nuisance;
 - (b) if the licensee fails to comply, revoke the licence;
 - (c) Provide written notice to the licensee of the revocation, stating the grounds for revocation and requiring the licensee to remove all livestock within 7 days; and/or
 - (d) Issue a notice of offence.

General duty of
authorised
officer

5. (1) It shall be the duty of an authorised officer to make reasonable enquiries to establish whether any breach of this Ordinance is being or has been committed.

- (2) Any person who obstructs or impedes any authorised officer acting in due exercise of their powers under this Ordinance commits an offence and is liable, on conviction, to a fine not exceeding \$100.

6. (1) An authorised officer may capture and take possession of any livestock found to be wandering within Lata Township and may:

- (a) if the owner can be ascertained, return the livestock to him or her and issue a notice of offence;
- (b) keep custody of the livestock for up to 7 days to allow its owner to be ascertained or come forward, pay any offence notice and/or the costs of custody and claim the livestock;
- (c) destroy or dispose of any unclaimed livestock; and/or
- (d) where the officer is satisfied that immediate destruction of wandering livestock is reasonably necessary to ensure public safety or to abate an ongoing nuisance, destroy the wandering livestock without keeping custody of it or attempting first to identify the livestock's owner.

7. (1) The Executive may by Order make Regulations for the better implementation of this Ordinance, including but not limited to: Regulations

- (a) prescribing any fees or charges relating to any licence, or any act done under or according to the Ordinance;
- (b) prescribing any standard conditions which may be required for any licence;
- (c) determining the maximum number of any type or types of livestock that may be kept within or near a village or township;
- (d) banning the keeping of any particular type of livestock in any area or place, or type of area or place;
- (e) extending the requirement for a Livestock Licence to any other specified area or place within Temotu Province; or
- (f) the form of any application form, licence, notice of offence or other documents issued in connection with the operation of the Ordinance, including the review or amendment of any form included in the First Schedule;

8. The Temotu Province Livestock Ordinance 1995 is repealed. Repeal

**FIRST SCHEDULE
PRESCRIBED FORMS**

FORM 1

APPLICATION TO KEEP LIVESTOCK WITHIN LATA TOWNSHIP

1. Name of Applicant:
2. Address for notices;
3. Proposed place where proposing to keep livestock:
4. **Type(s) of livestock proposed to be kept:**
 - i.
 - ii.
5. **Maximum number of each proposed type:**
 - i.
 - ii.
6. **Proposed arrangements to ensure livestock:**
 - i. Does not wander onto other properties;
 - ii. Is kept in clean and sanitary conditions;
 - iii. Does not cause a nuisance to other residents or the public
7. **Signature of Applicant:**

FORM 2

LICENCE TO KEEP LIVESTOCK FROM: _____ [date] to _____ [date]

1 _____ [name of owner] is hereby authorised to keep livestock of the described type(s) and number at:

2. _____

 _____ [address]

3. **Type(s) of livestock approved to be kept:**

- i.
- ii.

4. **Maximum number of each type:**

- i.
- ii.

5. **Standard conditions of licence:**

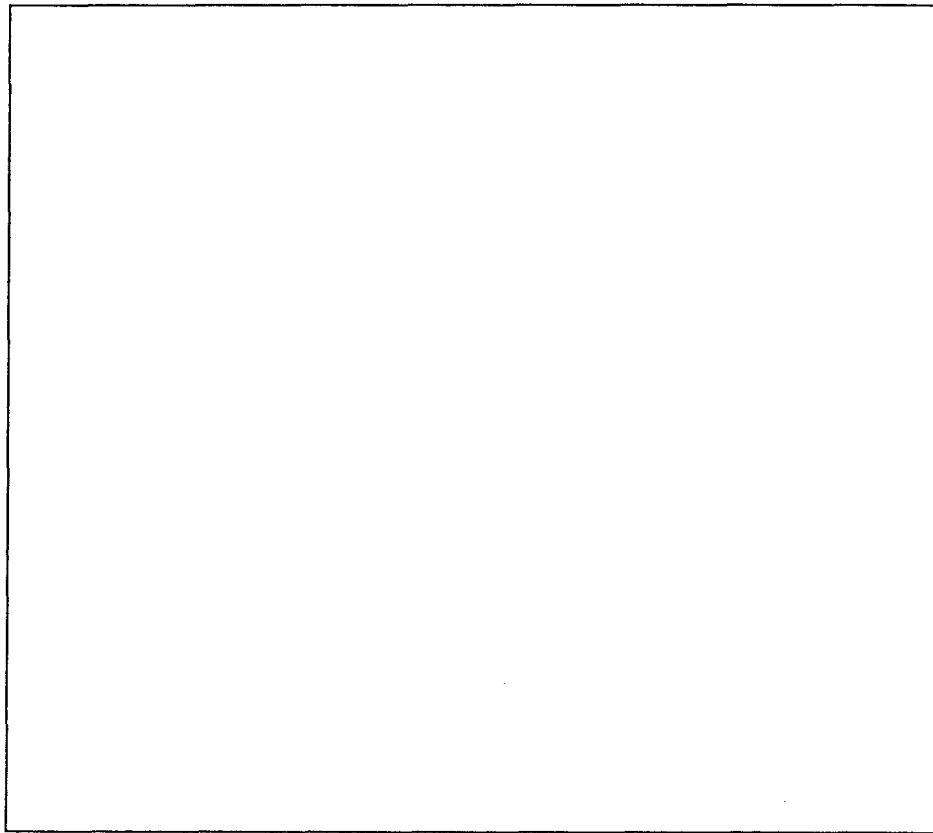
- (a) Livestock must be kept secure within the livestock area designated on the attached sketch plan and must be prevented from wandering/roaming onto neighbouring properties by use of appropriate fences and/or tethers;
- (b) Livestock must be kept no less than ____ metres from any occupied dwelling house;
- (c) Owner is responsible for ensuring that livestock is kept in a clean, healthy and sanitary condition so as not to create a health risk to the livestock, the occupiers of the property and/or any neighbouring properties;

- (d) Owner must keep the livestock area clean and free from any build-up of animal wastes, excess livestock feed or other waste material;
- (e) Owner must prevent any wastes or other livestock materials from spilling from the livestock area onto neighbouring properties or public areas;
- (f) Owner must take all reasonable preventative steps to prevent nuisances being caused by the livestock, including but not limited to offensive or unpleasant smells or unreasonable noise.

6. Special conditions of licence:

- (a)
- (b)

7. Sketch Plan of livestock area:



8. Signature of authorised officer: _____

9. Date:

Passed by the Temotu Provincial Assembly this 19th day of June, 2008.

Clerk to the Assembly
Assented to this 23rd day of July 2008

Hon. David Day Pacha
Minister of Provincial Government and Institutional Strengthening

[Legal Notice No. 61]

PROVINCIAL GOVERNMENT ACT 1997

THE TEMOTU PROVINCE DOG CONTROL ORDINANCE 2008

**AN ORDINANCE TO PROVIDE FOR THE BETTER CONTROL
AND LICENSING OF DOGS**

PRELIMINARY

1. This Ordinance shall be cited as the Temotu Province Dog Control Ordinance 2008 and shall come into operation when assented by the Minister of Provincial Government in accordance with section 30 of the Provincial Government Act 1997. Short title and commencement

2. In this Ordinance: Interpretation

“authorised officer” means a police officer, or officer authorised by the Executive or Lata Town Committee in writing to implement and enforce this Ordinance;

“bitch” means a female dog at least six months old;

“Executive” means the Temotu Province Executive;

“Lata Town Committee” means the Committee established by the Lata Town Committee Ordinance 2006;

“owner” means the owner or keeper of a dog and includes the occupier of any premises at which a dog is ordinarily kept or permitted to remain and any person who may be temporarily in charge of a dog;